

UNITED STATES DISTRICT COURT

FILED
UNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICOfor the
District of New Mexico

FEB 25 2025

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)Black Apple iPhone with green case possessed by
Gerson Mendez on December 12, 2024 at the Paso De
Norte Port of EntryMITCHELL R. ELFERS
CLERK OF COURT

Case No. 25-319MR

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, attached and fully incorporated herein by reference.

located in the _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, attached and fully incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
8 U.S.C. 1324Offense Description
Conspiracy to Transport Illegal Aliens

The application is based on these facts:

See Attachment C, attached and fully incorporated herein by reference.

☒ Continued on the attached sheet.☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Robert Flores, HSI Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
telephone (specify reliable electronic means).

Date: 2/25/2025

Judge's signature

City and state: Las Cruces, New Mexico

Gregory B. Wormuth, Chief United States Magistrate Judge

Printed name and title

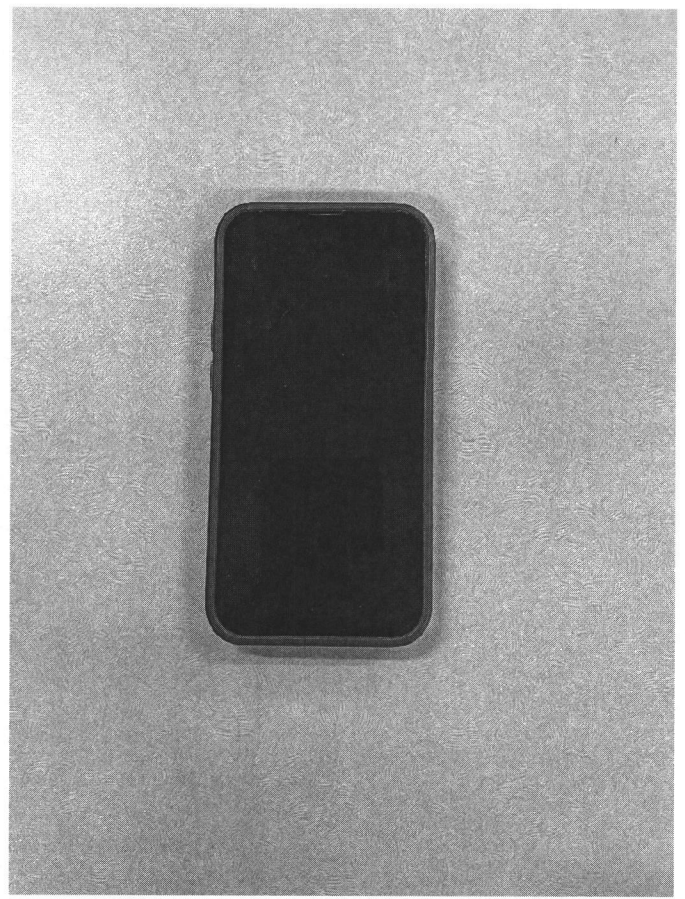
ATTACHMENT A

PROPERTY TO BE SEARCHED

The affidavit, *see* **Attachment C**, is submitted in support of the warrant to search and seize information, more fully described in **Attachment B**, contained in the following electronic device.

Subject Telephone #1

Subject's Telephone is described as a black Apple iPhone cellular phone with a green case which was found in possession of Gerson MENDEZ on or about December 12, 2024. Subject's Telephone is currently located at the Drug Enforcement Administration office in Las Cruces, New Mexico and is shown below.



ATTACHMENT B

PARTICULAR THINGS TO BE SEIZED/INFORMATION TO BE RETRIEVED

The particular things to be seized include all records, in whatever format, stored on Subject Telephone #1 described in **Attachment A** that are related to violations of 8 U.S.C. § 1324 by Gerson MENDEZ on or about December 12, 2024.

1. Digital, cellular, direct connect, and/or other phone numbers, names, addresses, and other identifying information of transporters, co-conspirators, and other associates of the user of Subject's Telephone;
2. Digital, cellular, direct connect, and/or other phone numbers dialed from, which contacted, or which are otherwise stored on, Subject's Telephone, along with the date and time each such communication occurred;
3. Text message logs and text messages whether sent from, to, or drafted on, Subject's Telephone, along with the date and time each such communication occurred;
4. Message logs and messages sent from, to, or drafted on, Subject's Telephone through applications such as Facebook, WhatsApp, Snapchat, etc., along with the date and time each communication occurred;
5. The content of voice mail messages stored on Subject's Telephone, along with the date and time each such communication occurred;
6. Photographs or video recordings;
7. Information relating to the schedule, whereabouts, or travel of the user of Subject's Telephone;
8. Information relating to other methods of communications utilized by the user of Subject's Telephone and stored on Subject's Telephone;
9. Bank records, checks, credit card bills, account information and other financial records; and
10. Evidence of user attribution showing who used or owned Subject's Telephone, such as logs, phonebooks, saved usernames and passwords, documents, and internet browsing history.

ATTACHMENT C

**AFFIDAVIT IN SUPPORT OF ORDER AUTHORIZING
SEARCH WARRANT**

Your Affiant, Robert Flores, having been duly sworn, does hereby depose and say:


1. The affiant is a Special Agent with Homeland Security Investigations (HSI) and has been since January 2024. The affiant is currently assigned to the Las Cruces Strike Force Group. During the Affiant's employment with HSI, the Affiant has received six months of academic and practical training at Federal Law Enforcement Training Center, in handling criminal investigations. The Affiant was also a Police Officer at the San Antonio Police Department in San Antonio, Texas from 2019-2024. During this time the Affiant was part of various criminal investigations. The Affiant has worked with the United States Border Patrol on cases regarding human smuggling. The Affiant is authorized to investigate federal criminal offenses, including violations of Title 8, United States Code, Section 1324. The information set forth in this Affidavit has been derived from the investigation and information communicated to me by other sworn law enforcement officers or from reliable sources. The Affiant has not included all facts known concerning this matter, but only facts necessary to set forth probable cause that Gerson Mendez (MENDEZ) committed, Conspiracy to Transport Illegal Aliens, in violation of 8 U.S.C. § 1324.
2. I am familiar with the facts and circumstances of this investigation as a result of my personal participation in the investigation, discussions with other agents who were involved in the investigation, and review of reports written by other agents concerning the investigation.
3. Through my training and experience, I know that human smugglers often maintain a cellular or "smart" telephone ("devices") which they utilize to further their human smuggling. Human smugglers use these devices to communicate operational directives and information concerning the conduct of the organization's illegal activities to other organization members, including their coordinators, transporters, and other co-conspirators. I know based upon my training and experience that timely communication of information between organizational members is critical to the overall success of an organization's illegal activities. The critical nature of this information is derived from the necessity of the organization's management to provide instructions for the entry, housing, care, and transportation of smuggled humans, as well as the subsequent laundering of the proceeds of these illegal activities.
4. I further know from my training and experience, that a cache of information including dialed, received or missed calls and text messages sent, received or placed in draft status, can be found on these devices. I know that the identities and

telephone numbers of other participants in the human smuggling activity are maintained in the contact lists of these devices. In my experience, human smugglers also use these devices to take and store photographs or video recordings of themselves with their co-conspirators and with contraband including narcotics, currency and firearms. Human smugglers also use the GPS or location applications of these devices, which can reveal their whereabouts when they conducted or arranged human smuggling related activities or travel. In addition, human smugglers also use these devices to store information related to the financial transactions that occur during the course of their human smuggling, such as financial accounts and transactions. In my experience, the devices used by human smugglers often contain evidence relating to their smuggling activities including, but not limited to, contact lists, lists of recent call activity, stored text and voice mail messages, messages transmitted through applications, photographs and video recordings, GPS and location information, and financial accounts and records.

5. The following information is based upon my personal knowledge as well as information provided by other federal, state or local officers and is presented as probable cause to search a black Apple iPhone with a green case (hereafter referred to as Subject's Telephone). Subject's Telephone was in the possession of Gerson Israel MENDEZ at the time of his encounter with Customs and Border Protection (CBP) on December 12, 2024, and was thereafter detained by CBP. Shortly after, Homeland Security Investigations (HSI) seized Subject's Telephone. Because this affidavit is being submitted for the limited purpose of establishing probable cause, I have not included each and every known fact regarding the investigation. More specifically, I have set forth only pertinent facts that I believe are necessary to establish probable cause to search Subject's Telephone for evidence of violations of 8 U.S.C. § 1324.
6. The request to search Subject's Telephone is based on the following facts:
 - a. On or about December 12, 2024, CBP detained Gerson Israel MENDEZ based on intelligence provided by HSI.
 - b. At the time of his encounter, MENDEZ claimed ownership of a black Apple iPhone cellular phone with a green case (Subject's Telephone).
 - c. A CBP Officer explained Border Search Authority to MENDEZ and thereafter MENDEZ voluntarily gave the CBP Officer the pin to the locked black Apple iPhone with a green case (Subject's Telephone)
 - d. During a field examination of the Subject's Telephone, the following photos, messages, and videos were discovered;
 - e. Photos of firearms (one matching the description of a previous crime).

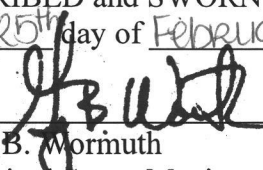
- f. Proof of life video of a Hispanic woman, commonly used by human smugglers in order to obtain payment from the alien's family.
 - g. Video of an individual holding multiple cellphones. A common practice by human smuggling organizations (HSO) is to keep the phones from aliens so they cannot contact anyone without the HSO's knowledge.
 - h. Proof of life video of three Hispanic males stating that they were now in El Paso, thanks to "Izzy".
 - i. Messages between MENDEZ and an individual where the individual offers \$400 per "caja" to cross. "Caja" is common slang used by HSOs for aliens being illegally smuggled into the United States.
 - j. Messages between MENDEZ and an individual containing a picture of a booking report for Angel Hernandez on 10/9/2024 on donanacounty.org. The individual then tells MENDEZ, "Isn't that who came with you?" MENDEZ then replies, "Yes". Hernandez's booking charge shows as "Smuggling Illegal Aliens".
 - k. Messages between an individual who identified themselves as "Angel", asking if MENDEZ wants to make extra cash picking up "pollos" in El Paso for payment of \$350-\$400 depending on the location. Also in the same message thread, there is a conversation where "Angel" is trying to buy a firearm that MENDEZ is selling. "Pollo" is common slang used by HSOs for aliens being illegally smuggled into the United States.
7. Based on the above information, there is probable cause to believe that evidence of violations of 8 U.S.C. § 1324 are located in the Subject's Telephone. Therefore, I respectfully request that this Court issue a search warrant for Subject's Telephone, more particularly described in Attachment A, authorizing the seizure and examination of the items described in Attachment B.

Dated this 25th day of Feb., 2025.



Robert Flores
HSI Special Agent

SUBSCRIBED and SWORN to before
me this 25th day of February 2025.



Gregory B. Wornuth
Chief United States Magistrate Judge